

said Dry Creek up to the first day of November in each and every year for the irrigation of the said two acres of land, the Fillmore Irrigation Co. is to pay the one-half of the expense and Will Jackson and Emma Nichols are to pay the other one-half of the expense of dividing and distributing said quantity of water.

67-1514

IT IS FURTHER ORDERED, ADJUDGED and DECREED That all of the rest of the waters flowing in said Chalk Creek not herein decreed to other parties to this suit, and the use of the same is owned by the Fillmore Irrigation Co. and the Fillmore Irrigation Co. has the exclusive right to divert and use and distribute to its stockholders all of the waters flowing in said Chalk Creek at all seasons and times during each and every year not decreed to any other parties to this suit.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Edwin Bartholmew and the administrator of his estate, William Hatton, Antone Sorenson, Ova Peterson, Lars Rasmussen, Rasmus Rasmussen, and Christian Anderson are not entitled to the use of any of the waters of said Chalk Creek except such water, if any, as they may be entitled to use by virtue of the fact that they own certain city water distributed to them by Fillmore City, or water stock in the Fillmore Irrigation Co. and which the Fillmore Irrigation Co. distributes to them and as to them the Fillmore Irrigation Co. is entitled to the use of the waters of said Chalk Creek decreed to it and which is hereby by this decree quieted.

IT IS FURTHER ORDERED, ADJUDGED and DECREED That this court shall retain jurisdiction of this action and of the parties to the same and their successors in interest for the purpose of regulating, controlling and distributing the waters of said Chalk Creek, and use of the same to the parties hereto and to their successors in interest and that either party to this action may upon application to this court by motion and after ten days' notice to the other parties to this suit, or to their successors in interest, or to their attorney, have a commissioner appointed by this court to divide, distribute and regulate the use of the water herein decreed to the parties entitled to the same, the expense to be born and paid for as herein provided.

IT IS FURTHER ORDERED, ADJUDGED and DECREED That the rights herein decreed are founded upon appropriation of water for beneficial uses, and the title of the parties hereto and their right to the use of the said water herein decreed is hereby quieted as against each and every other party to this action, and each and every other party hereto, their successors and assigns, and their agents, servants, employees, are hereby forever enjoined from in any manner or at all interfering one with the other in the full, free and unrestricted use of the quantity of water decreed to them or interfering with such distribution of said water, if any, as may be made by any commissioner appointed by this court to distribute the same.

IT IS FURTHER ORDERED, ADJUDGED and DECREED